

### **III. REMARKS**

In the Office Action, Claims 1-19 were rejected under 35 U.S.C.103 as being unpatentable over Ritter (US 5,570,084) in view of Holmes (US 6,178,331) for reasons set forth in the Action.

Please note that 20 claims were submitted for examination in the previous response filed December 11, 2003. However, the Office Action covers only claims 1-19, and does not discuss claim 20. To expedite examination of this application, it is assumed that it may have been the examiner's intent to treat claim 20 in the same fashion as claim 1. As noted in the remarks of the previous response, it was stated that claim 20 is similar to claim 1, but sets forth specifically the step of selecting the communication network to be used in the transmission of the message from the multimedia message switching centre to the receiving terminal.

The claims are believed to be allowable in view of the following argument.

Present claims 1 and 20 teach that the communication system comprises at least a first communication network (NW1), a second communication network (NW2) and a multimedia message switching centre (MMSC). Thus, the present invention deals with a situation in which there is a choice of communication networks. Claims 1 and 20 teach further that an address type is used to select the communication network (NW1, NW2) to be used for transmission of the message from the multimedia message switching centre (MMSC) to a receiving terminal (RH, MS2).

It is observed further, that claim 20 sets forth steps of the present invention that emphasize the novel features of the invention. To facilitate a reading of the method steps, claim 20 is presented herein in two paragraphs, with the same wording as presented in the previous response. In particular, claim 20 recites a step of supplementing the multimedia message with data setting forth the type of the address. A further step provides for examining the type of the address of the receiving terminal. There is also the above-noted step of selecting the communication network to be used in the transmission of the message based on the address type.

The foregoing observations for method claim 20 apply generally to method claim 1, as well as to the functional language of apparatus claims 11, 18 and 19. The foregoing observations are believed to distinguish the present invention from the combined teachings of Ritter in view of Holmes, with further distinguishing features of the present invention being provided in the dependent claims, thereby to overcome the rejections under 35 U.S.C. 103, in view of the following argument.

Ritter teaches a method for loose routing over disparate network types in a packet communication network. Ritter discloses packets which comprise certain TLV fields i.e. type-length-value fields. The type informs a station of a network about the address type, the length is for indicating the length of the value, and the value is the actual destination address. Packets may comprise more than one TLV field for providing routing information for the packet. In other words, the route the packet should travel is included in the TLV fields of the packet. Each router may or may not be aware of the meaning of the type values. When the packet is received by a router, which is aware

of the types, the packet can be transferred to a different type of network. Otherwise the router tries to find, at the same network, a nearby router which is aware of the types, and forwards the packet to such router. In the method of Ritter a certain type field is used to express the address type.

As a feature of the present invention, the type information is included with the actual address; and a certain separator is used to separate the type information and the address. Ritter does not teach this. Moreover, in the practice of the present invention, more than one recipient can be included in the message; and different recipients may be located in different types of networks. In contradistinction, although Ritter discloses that the packet may comprise more than one address, the addresses are meant for routing the packet from one sender to one recipient.

The Examiner combines the teachings of Ritter with the teachings of Holmes.

Holmes teaches a system and process for allowing wireless messaging between wireless phones and wired terminals. In the system of Holmes there are certain gateways defined for email delivery between wireless and wired networks. When an email is to be transmitted from a mobile phone to a recipient in the Internet, the email is formed as a short message and is addressed to a certain number reserved for the gateway. The gateway receives the short message and delivers it as a SMTP (Simple Mail Transmission Protocol) message to the recipient. It is not clear whether the Examiner has correctly cited Holmes at all because Holmes does not teach anything about a possibility of sending messages to different types of networks. Further,

although the Examiner argues that Holmes mentions multimedia messages, it appears that there is no discussion about multimedia messages in the passage of Holmes (columns 2 to 5) cited by the Examiner. The Examiner may wish to clarify this point.

Claim 18 has been amended to emphasize that there can be more than one recipient. It is noted claim 18 already refers to a multimedia message, and states further that, in the first communication network the address used for the terminal is of at least a first address type, and in the second communication network the address used for the terminal is of at least a second address type. These limitations are believed to distinguish the present invention further from the combined teachings of Ritter with the teachings of Holmes.

As was noted in the previous response, the present specification (page 8 at lines 7-14) sets forth clearly that one of the problems, which is overcome by the present invention, is the extra work and updating to be accomplished if the message switching center is to store information about the address type and address for each receiver. The solution of the present invention supplements the address data with the address type. Thus, all the information is included in the sending device. The sending device utilizes a data frame, which complies with multimedia messaging service transfer protocol, and contains a field for address-type data plus address data, and a second field for payload.

Also, with respect to Ritter (col. 1 at line 50), there is taught the use of a path operated with an ordered list of addresses. Such a constraint on the operation of the

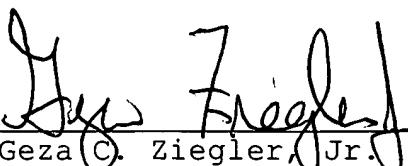
communication system appears to direct one away from the practice of the present invention wherein, as taught in the present specification on page 14 at lines 27-31, the switching center is operative to search for the home location register of a mobile subscriber. Combining the teachings of Holmes with Ritter does not alter the foregoing observation. Therefore, it must be concluded that Ritter in combination with Holmes does not suggest the practice of the present invention, and may direct one away from the practice of the present invention.

Therefore, in view of the foregoing argument, it is urged the combination of the teachings of the cited art do not support the rejection under 35 U.S.C. 103, and the claims are believed to be allowable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$110.00 is enclosed for a 1 month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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12 July 2004

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